# COMMONWEALTH OF MASSACHUSETTS
## State Building Code (780 CMR) Appeals Board
### Board's Ruling on Appeal[1]

**Docket No.   09-729**
Appellant(s):   Carol Warfield               vs.          Appellee(s): City of    Beverly
                                                                        Steven Frederickson

### Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1.  In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 6th Edition 780 CMR 3603.16.13 for 30 Paine Avenue, Prides Crossing, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.;* and 780 CMR 122.3.4.  The Board convened a public hearing on April 4, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared and testified for the hearing. Richard Pierce and William Fiore of the Beverly Fire Department appeared as well as Steven Frederickson.
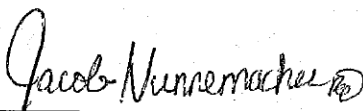
### Discussion

A motion was made by the Appellant to withdraw her request for a variance from the 6th Edition of 780 CMR 3603.16.13, and allow her to resubmit plans and show the cost of the addition and the cost of the smoke detection system. Discussion by the Board suggested that if the cost of the smoke detection system is less than or equal to 10% of the cost of the addition then it shall be installed. If the smoke detection system installation is required, the Beverly Building and Fire Departments agreed at this hearing, that per the 7th edition of the One- and Two-Family Dwelling Code, a wireless system per NFPA-72 can be used as long as it meets those requirements. If the new system meets the requirements of the Beverly Building and Fire Departments then the appellant does not need to come before the Board.  The appellant's request was granted by the two member board.
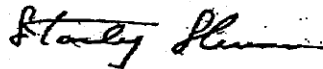
### Conclusion

**The Appellant's request for a withdrawal was granted as described in the discussion above and so ordered[2] on this date: April 4, 2009.**

_____        _____        _____
Douglas Semple                 Jacob Nunnemacher (recused)            Stanley Shuman